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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,635	01/29/2002	Mathew Sommers	GLO 2 0079	4172

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EXAMINER

LEE, GUIYOUNG

ART UNIT PAPER NUMBER

2875

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,635

Applicant(s)

SOMMERS, MATHEW

Examiner

Guiyoung Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-16 and 18-25 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed June 20, 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcus (USPT 6,074,074).

Re claims 1 and 9: Marcus teaches a border lighting strip having an electrical cable including a plurality of electrical conductors (13 in Fig. 4); a plurality of LEDs (4) connected to the electrical cable; and a sheath (7 in Fig. 2) at least partially made from a light transmissive material having a hollow region (8) adapted to receive the LEDs, and integrally formed cylindrical lens

Re claims 2-3: Marcus teaches that the sheath having an extruded length of a wave guiding material having high refractive index (col. 3, lines 7-10).

Re claim 4: Marcus discloses that a plurality of LEDs is arranged parallel to the cable such that they face the same direction (See Fig. 2).

Re claims 5 and 7: Marcus teaches that the cylindrical lens is arranged parallel to the cable such that the plurality of LEDs and sockets face the cylindrical lens (4 and 8 in Fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus as applied to claim 1 above, and further in view of Brookman (USPT 5,337,225). The teachings of Marcus have been discussed above.

Re claims 6 and 8: Marcus does not disclose a lead frame and crimps. However, Brookman discloses a lead frame and crimps (26 in Fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ Brookman's lead wire into Marcus' LED elements in order to provide electrical connection between LED and electrical conductor.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus as applied to claim 1 above, and further in view of Vadseth (USPT 5,815,068). The teachings of Marcus have been discussed above.

Re claim 10: Marcus is silent with regard to a color of the light emitting diodes. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute Marcus's LEDs with phosphide-based red light emitting diodes since it was known in the art that light emitting diodes provide colored light and Vadseth teaches it.

Allowable Subject Matter

7. Claims 11-16 and 18-26 are allowed.
8. The following is an examiner's statement of reasons for allowance: The primary reason for allowance of these claims is the inclusion of an extended cylindrical lens having a length substantially coextensive with a length of the hollow tube.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. Applicant's arguments filed June 20, 2003 have been fully considered but they are not persuasive.

In response to the Applicant's argument that Marcus does not teach the limitation of "a sheath at least partially made from a light-transmissive material", the Examiner disagrees. Marcus teaches, "The sealing profiled strip 5 is composed, for example, of polycarbonate (col. 5, lines 8-9)". Further, he teaches, "The retaining channel 2 is closed at the top by a sealing strip 5 composed of a transparent material (col. 5, lines 6-7)". Therefore, Marcus' teachings meet the limitations above. Further, Marcus' transparent polycarbonate material has high refractive index and could be used as a wave guiding material.

In response to the Applicant's arguments that Marcus' LED does not have socket connection, the Examiner indicates that socket connection of LED is also conventional as the prior art of record (USPT 5,672,000) cited by Applicant discloses in Fig. 1.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is **(703) 308-8567**. The examiner can normally be reached between the hours of 8:00 AM to 3:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this

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Group is (703)872-9318 (before final rejection), (703)872-9319 (after final rejection). The Right Fax phone number for the examiner is (703)746-4766.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Guiyoung.lee@uspto.gov**].

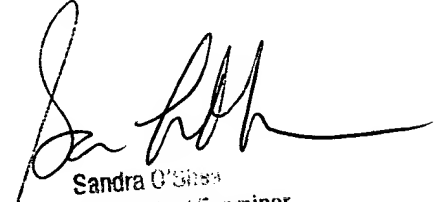
All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

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09/16/2003


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800